HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NOs.27164 & 27165 OF 1995

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DATE:20.03.2006

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WRIT PETITION NO.27164 OF 1995

Between:

Minota Aquatech, having its registered

Office at 3-6, Century Plaza, Mount Road,

Madras, rep. by Mrs. Radha Vijayaraghavan.

..... PETITIONER

AND

The Special Grade Secretary,

Agricultural Market Committee, Bheemili,

Vizag District & eight others.

.....RESPONDENTS

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WRIT PETITION NO.27165 OF 1995

Between:

ITC Limited, a Public Limited Company,

Having its branch at Plot No.41 (7-5-85)

Mythri Nagar, Panduranga Puram, Visakhapatnam,

Rep. by its Manager Mr. Thains Antonisamy.

..... PETITIONER

AND

The Special Grade Secretary,

Agricultural Market Committee, Bheemili,

Vizag District & eight others

.....RESPONDENTS

HON'BLE MR JUSTICE A. GOPAL REDDY

WRIT PETITION NOs.27164 & 27165 OF 1995

COMMON ORDER:

These two writ petitions are filed to declare that the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966 has no application to the prawns trade and the petitioners are not liable to pay any fee, either licence fee or market fee, on the premise that they purchase the prawns from various locations in the State of Andhra Pradesh and after getting them processed, export the same to various countries.

The Apex Court in **ITC LTD. v . Person In-Charge, Agricultural Market Committee, Kakinada** ((2004) 2 SCC 794) held as under:

"Normally, in common parlance animal is understood as a quadruped creature but fish

is also an animal but of a different kind. Prawn is included in the definition of fish as given in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act and has all the essential attributes of an animal viz. life, sensation and voluntary motion. It is therefore, not possible to accept the contention that prawn is not a livestock. The State Government is thus fully competent to issue a notification regarding prawns under Section 3 of the Act."

In view of the law declared by the Apex Court, the petitioners are not entitled for the relief as sought for and therefore, the writ petitions are liable to be dismissed.

Accordingly, the Writ Petitions are dismissed. No costs.

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A. GOPAL REDDY, J

20th MARCH, 2006.

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